

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Joint Resolution 1 be amended to read as follows:

- 1 Page 1, line 1, delete "amendment" and insert "amendments".
- 2 Page 1, line 2, delete "is" and insert "are".
- 3 Page 1, line 3, delete "is" and insert "are".
- 4 Page 2, after line 40, begin a new paragraph and insert:
- 5 "SECTION 3. ARTICLE 10 OF THE CONSTITUTION OF THE
- 6 STATE OF INDIANA IS AMENDED BY ADDING A NEW
- 7 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:
- 8 **Section 9. (a) As used in this section, "emergency" means an**
- 9 **extraordinary event or occurrence that:**
- 10 **(1) could not have been reasonably foreseen or prevented; and**
- 11 **(2) requires immediate expenditures of public funds to**
- 12 **preserve the health, safety, or general welfare of the people.**
- 13 **(b) As used in this section, "expenditure growth factor" refers**
- 14 **to the percentage change, expressed to three decimal places, in**
- 15 **personal income in Indiana between the most recent year for which**
- 16 **personal income is determined for Indiana and the second most**
- 17 **recent year for which personal income is determined for Indiana.**
- 18 **The expenditure growth factor may be a negative number.**
- 19 **(c) As used in this section, "expenditures" refers to the total**
- 20 **amount of money spent by the State during the State's fiscal year.**
- 21 **The term does not include any of the following:**
- 22 **(1) Money received from the federal government.**
- 23 **(2) Money spent from permanent endowments, trust funds, or**
- 24 **pension funds.**

1 **(3) Money received as a gift by the State.**

2 **(4) Money paid for:**

3 **(A) tax relief;**

4 **(B) refund of taxes; or**

5 **(C) a lawful refund of other money received by the State.**

6 **(d) As used in this section, "fiscal year" means any accounting**
 7 **period consisting of twelve (12) consecutive months.**

8 **(e) As used in this section, "personal income" refers to the**
 9 **annual personal income in Indiana as determined by the federal**
 10 **government. The General Assembly shall designate by law the**
 11 **source of the data to determine Indiana personal income under this**
 12 **subsection.**

13 **(f) Except as provided in subsection (g), expenditures of the**
 14 **State for the State's fiscal year may not be greater than the amount**
 15 **determined in STEP FOUR of the following formula:**

16 **STEP ONE: Determine the amount of the State's expenditures**
 17 **during the State's previous fiscal year. Expenditures**
 18 **permitted under subsection (h) for the State's previous fiscal**
 19 **year may not be included for purposes of this STEP.**

20 **STEP TWO: Determine the expenditure growth factor.**

21 **STEP THREE: Add one to the amount determined in STEP**
 22 **TWO.**

23 **STEP FOUR: Multiply the amount determined in STEP ONE**
 24 **by the amount determined in STEP THREE.**

25 **(g) Notwithstanding subsection (f), the Governor may, by**
 26 **executive order, suspend the limitation set forth in subsection (f)**
 27 **for the State. An executive order issued under this subsection must**
 28 **do the following:**

29 **(1) Declare the existence of an emergency.**

30 **(2) Describe the nature of the emergency.**

31 **(3) State the amount that the State is authorized to spend to**
 32 **meet the emergency.**

33 **(h) An executive order issued under subsection (g) for the State**
 34 **expires at the beginning of the fiscal year that follows the fiscal**

1 **year to which the executive order applies. However, the Governor**
2 **may issue a new executive order under subsection (g) to cover the**
3 **State for a succeeding fiscal year.".**

4 Renumber all SECTIONS consecutively.
 (Reference is to HJR 1 as printed January 25, 2008.)

Representative Murphy